



January 6, 2006

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: WT Docket No. 01-309
Notification of Compliance with HAC Rules;
Second Update to Waiver Petition**

Dear Ms. Dortch:

SunCom Wireless, Inc. ("SunCom") hereby notifies the Commission that it has achieved compliance with the Commission's hearing aid compatibility ("HAC") rules, 1/ pursuant to its petition for waiver filed September 14, 2005, and subsequently amended on October 14, 2005 ("Petition"). In its amended Petition, SunCom sought an extension until December 1, 2005, to come into compliance with the HAC rules, due to the late availability of HAC-compliant handsets and collateral materials from its vendors. The Petition remains pending with the Commission.

SunCom is pleased to report that, as of December 1, 2005, it has two HAC-compliant handsets available to its customers: the Motorola V220 and the Motorola V3 "RAZR." 2/ These handsets are available both through SunCom's retail stores and through its website, www.suncom.com. Although the current inventory was shipped from the manufacturer prior to being labeled as HAC-compliant, 3/ SunCom obtained appropriate labels from its distributor and has affixed those to the handset boxes. SunCom also has obtained and inserted into the boxes an informational sheet which explains the HAC rating system to consumers.

Moreover, SunCom has undertaken outreach efforts to inform consumers about the hearing aid compatibility of the available handsets. For example, in-store displays of the V220 and V3 are accompanied by feature cards which indicate that the handsets are hearing aid

1/ See 47 C.F.R. § 20.19. Because HAC handsets offered by SunCom satisfy the M3 standard in the PCS band only, SunCom continues to rely on the relief granted in the Commission's September 8, 2005 waiver order. See *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, WT Docket No. 01-309, Memorandum Opinion and Order, FCC 05-166 (rel. Sept. 8, 2005) ("GSM Waiver Order").

2/ See FCC ID Nos. IHDT56ER1 (Sept. 14, 2005) and IHDT56EU1 (Sept. 15, 2005).

3/ See 47 C.F.R. § 20.19(f).

compatible, with an M3 rating. SunCom has distributed information to its sales associates to educate them about HAC issues and to enable them to better assist consumers seeking a HAC-compliant handset. Consumers may “demo” the V3 and V220 by making a live call from the store to assess the compatibility of the handsets with their own hearing device. Hearing device users who purchase one of these handsets, but later experience compatibility problems, have 30 days in which to return the handset for a refund and/or cancel their service without incurring an early termination fee.

If shopping on SunCom’s website, www.suncom.com, consumers may quickly and easily “filter” SunCom’s handset inventory by selecting an option that will display only the available HAC-compliant handsets. The handset feature descriptions for the V3 and V220 clearly indicate that they are hearing aid compatible, with an M3 rating (see attachment). The website’s “Common Questions” section provides consumers with general background information about HAC and the HAC rating system (see attachment).

As described above, SunCom is in compliance with the Commission’s HAC rules. Indeed, SunCom expects to go beyond the minimum requirement of the rules and offer, in most of its markets, a third HAC-compliant handset in the near future. Because SunCom’s initial compliance was delayed due to the late availability from its vendors of compliant and properly labeled handsets – factors beyond SunCom’s control – the Commission should grant SunCom’s Petition.

Respectfully submitted,

SUNCOM WIRELESS, INC.

/s/ Charles Kallenbach

Michele C. Farquhar
David L. Martin
Hogan & Hartson L.L.P.
555 13th Street, NW
Washington, DC 20004
(202) 637-5600
(202) 637-5910 (fax)

Charles Kallenbach, Esq.
Senior V.P., Legal and Regulatory Affairs
SunCom Wireless
1100 Cassatt Road
Berwyn, PA 19312
(610) 722-4280
(610) 722-4488 (fax)

Its Attorneys